

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEANTE R. SMITH, } Case No. CV 09-9209 SVW (JCG)
Petitioner, }
v. } **ORDER ADOPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE
AND DENYING CERTIFICATE OF
APPEALABILITY**
K. HARRINGTON, Warden, }
Respondent. }

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the records herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed. The Court approves and adopts the Magistrate Judge's Report and Recommendation. Accordingly, IT IS ORDERED THAT:

1. Judgment shall be entered dismissing the action with prejudice.
2. The Clerk shall serve copies of this Order and the Judgment herein on the parties.

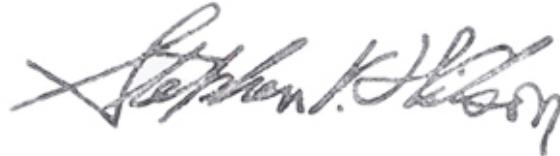
Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a

1 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
2 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of
3 appealability.

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5 DATED: February 2, 2011.

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7 HON. STEPHEN V. WILSON
8 UNITED STATES DISTRICT JUDGE
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